

FILED

May 20 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. PR 06-0120

FILED

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

LOKEN BUILDERS, INC., a Montana corporation,)
)
Plaintiff,)
)
v.)
)
SHARON R. BOYCE, TUPI PLAIN, LLC, and)
COUNTRYWIDE HOME LOANS, INC.,)
)
Defendants.)

ORDER


Sharon R. Boyce seeks to disqualify the Honorable Robert Deschamps, III, from presiding in Cause No. DV 06-1036 in the Fourth Judicial District Court, Missoula County, pursuant to § 3-1-805, MCA.

Boyce's affidavit in support of her motion to disqualify points to various rulings by Judge Deschamps in District Court Cause No. DV 06-1036 as evidence that Judge Deschamps should be disqualified. However, an affidavit to disqualify is deemed not to have been made in good faith if it is based solely on rulings in the case which can be addressed in an appeal from the final judgment. Section 3-1-805(1)(b), MCA.

IT IS THEREFORE ORDERED:

1. The request to disqualify District Judge Deschamps from presiding in Missoula County Cause No. DV-06-1036 is DENIED.
2. The Clerk is directed to provide copies of this order to the Clerk of the District Court of Missoula County for notification to counsel of record in Cause No. DV-06-1036, and to the Honorable Robert Deschamps, III, District Judge.

DATED this 17th day of May, 2009.


Chief Justice

W. William Sapher

John Verner
Patricia Cotto

Juan Roca
Grim Mow

Justices